

Present: Jane Connolly, Chairman; Don Saltzman, Stephan Grozinger, Britta Lerner, Ken Edgar, Pierre Ratte. Absent: Joe Limone, Vice Chairman

Also present: Land Use Director

APPROVAL OF MINUTES:

Postponed to the next meeting.

RECEIPT OF APPLICATION: MODIFICATION OF A SUBDIVISION APPROVAL, 24 & 28 MARTIN ROAD (LITTLE MOUNTAIN ENTERPRISES, INC.)

Don Gary of Little Mountain Enterprises, Inc. presented his application for a modification of a subdivision approval, along with an A2 survey, for 24 & 28 Martin Road and gave a brief history of the subdivision to be modified. The subdivision consists of a one 6 acre lot approved in 2005 and split into two lots. He now has a contract purchaser that only wants it to be one lot. The open space will remain the same. There will be a public hearing scheduled for April 2, 2012.

Ken Edgar moved that the Commission receive the application for a Modification of a Subdivision Approval for 24 & 28 Martin Road for Little Mountain Enterprises, Inc. Seconded by Don Saltzman. Vote in favor (6-0) Joe Limone absent.

STATUS REPORT CONT: LENHART, 118 GEORGETOWN ROAD, OCTOBER 31, 2010, ORDER OF REMOVAL (BEAUSOLEIL)

Scott Poryanda, P. E. of Connecticut Consulting Engineers, LLC gave a status report on the Lenhart property located at 118 Georgetown Road, stating that they have been working on the project for about 6 weeks and the hydrologist is doing the field data and will have the information for the next meeting on April 2nd. The Chairman requested that they send in their report a few days ahead of the meeting.

DISCUSSION/DECISION: NEIGHBORS COMPLAINT REGARDING SOIL DISTURBANCE PERMIT ISSUED ON MARCH 5TH, COBBS MILL INN PARKING LOT

Xu Cheng, the neighbor at 13 Old Mill Road, abutting the Cobb's Mill property went over the work that has been done which he feels is in violation of the Zoning Regulations. He referred to the map to clarify the Cobb's Mill parking lot and his property and the work that has been done. He was not in favor of the ramp but it has already been installed and felt that it was in violation. A discussion followed.

Chairman Connolly stated that at the last meeting the Commission just gave Mr. Friedman a Soil Disturbance Permit. The parking issue will be addressed when the applicant comes forth with a

COBBS MILL CONT:

parking plan. Discussion followed during which the Chairman reminded Mr. Friedman that he was not licensed to do anything and that he is not following what the Commission asked him to do. The Commission advised him to come in with the right permit and engineering studies and the Commission will see if it is fixable. It was stated that on March 14th there was a stop work violation to stop all work. The Chairman advised not to do anything on that property until he provides what the Commission needs. The Commission will give Mr. Friedman one week to get the documents together and to come back in two weeks for the April 2 meeting.

Mr. Friedman was requested to submit the following:

1. An A2 survey showing drainage of water and runoff
2. Pierre Ratte requested to see the bills for any work you have done so far.
3. Ken Edgar requested, if feasible, a plan showing what the site was before and what is there now.

The Chairman stated that Mr. Friedman can use this parking lot by right needs to discussed. Also to be discussed, the continuation of the stop work order of 3/14/12, documents submitted to the Land Use Director, information re the truck loads brought in and two dumpsters, clean fill certification.

A discussion took place of the lights and what was replaced and installed.

Public Comment:

Several concerned neighbors were present and asked questions concerning:

Is there a violation of Section 367? Why was the fence taken down and how to move forward? What are the permitted uses for Cobb's Mill? Would Conservation have jurisdiction over cutting of the trees within 100 of a wetland?

It was suggested that members of the Commission walk the property individually. To be on the agenda for further discussion on April 2

**DISCUSSION/DECISION: REFERRAL FOR ZONING ENFORCEMENT OFFICER,
ZONING PERMIT APPLICATION: RENOVATION OF NON CONFORMING
COTTAGE/REBUILD, 306 LYONS PLAIN ROAD (LAND USE CONSULTANTS)**

Gloria Gouveia of Land Use Consultants was present on behalf of the applicant Peter Faillace regarding a renovation of a non conforming cottage/rebuild. Ms. Gouveia gave a history of

FAILLACE CONT:

trying to rebuild the cottage for the past 2 ½ years and the circumstances and questioned -where does my applicant go from here? Zoning Regulations Section 375 was referenced and the applicant has been in court and before the Zoning Board of Appeals. Ms. Gouveia wished for the opportunity to explore the possibility to be able to get a Zoning Permit and gave her information but the Commission may have a different point of view. She stated that the Zoning Board of Appeals had referred this application to the Planning & Zoning Commission. The solution is to obtain a Zoning Permit. Ms. Gouveia stated that the cottage was built in 1950, prior to Zoning Regulations and added on to in 1961 as a legitimate non-conforming use. She also gave a detailed Health Department statement. The cottage was in such dire condition that the only way to save it was to rebuild it.

Chairman Connolly felt that the request was going way beyond what the Commission is here for. Chairman Connolly felt that to issue a Zoning Permit on a piece of property which is non-conforming as the use is a second dwelling on this piece of property. The applicant has already gone to the Zoning Board of Appeals and he is now in court and asking the Commission to legitimize this cottage. It does not meet our Zoning Regulations and will not get a Zoning Permit. Don Saltzman stated that the cottage is in a Flood Plain and needs another application for that. Also Mr. Saltzman stated that this application should be in a court and be determined by a judge and the Commission does not give advisory permits. This should be referred to the Town Attorney.

Ms. Gouveia requested that the members read her report and then read your regulations and tell me the proper vehicle to use in this circumstance. Ms. Gouveia is asking for a zoning permit and referencing Section 373 and Section 375.1 of the Zoning Regulations and a discussion followed about what the regulations says and what she thinks needs to be changed.

Commissioner Edgar had to leave the meeting.

Don Saltzman suggested that the applicant submit a formal application to the Zoning Enforcement Officer and write a dialogue about what the applicant is asking for and the Commission will then forward it to the Town Attorney. It was suggested that the applicant wait for the Zoning Board of Appeals and Court decisions. The discussion has been continued to the April 2nd meeting.

**DISCUSSION/DECISION: REFFERAL FROM ZONING ENFORCEMENT OFFICER,
ZONING PERMIT APPLICATION: RENOVATION AND REBUILD NON-CONFORMING
HOUSE, 7 LAUREL RIDGE LANE (DOMKA)**

This application was referred to the Commission by the Zoning Enforcement Officer for rebuilding a house without a permit. The Land Use Director gave a status report that it was a conforming location on a non-conforming lot. The demolition is down to the foundation and there is a stop work order in place. A discussion followed to include a history of events by Mr. Domka, the owner. The Commission felt Mr. Domka needed apply to Zoning Board of Appeals for a variance for a set back regulation and to obtain a surveyor to apply the “required grid” to his map.

**DISCUSSION CONT: PROPOSED ZONING REGULATION AMENDMENT, SECTION 313
(FENCES)**

Chairman Connolly stated she had done some research with other towns and some have six foot fences. A discussion continued on the concern regarding the type of materials to be used for fencing. The proposed regulation has been sent to SWRPA and will receive a report from them on April 2nd. A public hearing will be set for April 16th.

OTHER BUSINESS:

The Land Use Director referred to Mr. Shubber of 7 Smith Ridge, needing approval for installing a pool, already approved with the original house, showing a new location with just the angle changed and further away from the setback. Stephan Grozinger and the Chairman requested an A2 survey and also an afterbuilt.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on April 2, 2012